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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,243	06/19/2001	Kazuyuki Ujiie	1046.1256	9572

21171　　7590　　03/15/2006		EXAMINER
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005		GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1   The following is a quotation of the second paragraph of 35 U.S.C. 112:
        The specification shall conclude with one or more claims particularly pointing out
        and distinctly claiming the subject matter which the applicant regards as his
        invention.

2.   Claims 1-3, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for
failing to particularly point out and distinctly claim the subject matter which applicant regards as the
invention.

        In particular, Claims 1-4, 9-11, 17-19, and 21, recites the word [" in away

that reflects, degree of attainment, basis of the degree "].

However this language fails to distinctly claim Applicant's invention because the

scope of the claim is unclear. Moreover the specification fails to clarify, the

meaning of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

        (a) A patent may not be obtained though the invention is not identically disclosed or described as set
        forth in section 102 of this title, if the differences between the subject matter sought to be patented and
        the prior art are such that the subject matter as a whole would have been obvious at the time the
        invention was made to a person having ordinary skill in the art to which said subject matter pertains.
        Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-21, are rejected under 35 U.S.C. 103(a) as being unpatentable

Hereinafter Morgan et al (Hereinafter Morgan U.S Patent 6,757, 543 in view of

Kanda et al (Hereinafter Kanda U.S PUB: 2001/0029832A1).

        As per claim 1, Morgan discloses a server device comprising:

a communication module performing communications with a client device;

a service providing module providing a service to said client device via said

communication module;

an evaluation module evaluating a quality of the service provided; and

in a way that reflects a result of the evaluation in the calculation(Note abstract

and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and

column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and

column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

Morgan fail to explicitly teach a fee calculation module calculating a fee charged for the service.

However Kanda discloses an information processing device comprises: reception control means for controlling reception of contents data transmitted via a network and copyright information set to the contents data; encoding processing means for performing encoding processing of the contents data regarding which reception has been controlled by the reception control means; saving control means for controlling saving of the contents data subjected to encoding processing by the encoding processing means; and calculating means for calculating copyright usage fees for the contents data, based on the copyright information.(see column 2 paragraph 0018 and paragraph 0019-0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Morgan to include a fee calculation module calculating a fee charged for the service taught by Kanda in order to calculate a fee for usage or service.

As per claim 2, Morgan discloses wherein said evaluation module evaluates the quality of the service on the basis of a degree of attainment of the service requested from said client device. .(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 3, Morgan discloses wherein said communication module receives information on a degree of satisfaction of a customer which is evaluated by said client device with respect to the service provided, and said evaluation module evaluates the quality of the service on the basis of the degree of satisfaction of the customer.(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and

column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 4, Morgan discloses further comprising:

a recording module recording a history of accesses to said server device from said client device; and

a count module counting a setting operation time when making a request for the service via said client device, wherein said evaluation module estimates a degree of satisfaction of the customer with respect to the service from the history of the accesses, the setting operation time counted or the degree of attainment of the service in response to the request given from said client device. .(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 5, Morgan discloses a server device comprising:

a communication module performing communications with a client device;

a service providing module providing a service to said client device via said communication module; and a usage knowledge accumulation module accumulating pieces of usage knowledge for using the service,

wherein said service providing module, when completing the service for said client device, makes a request for an approval for accumulating pieces of information on the service as the usage knowledge in said usage knowledge accumulation module (see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57) and said usage knowledge accumulation module, if obtaining the approval from said client device, accumulates the information on the service, and provides said client device or other client device with the information.(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and

column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and
column 22 lines 1-13 and lines 42-57).

As per claim 6, Morgan fail to explicitly teach further comprising:
a fee calculation module calculating a fee charged for the service provided,
wherein said fee calculation module discounts the fee charged for the service
when obtaining the approval.

However Kanda discloses an information processing device comprises:
reception control means for controlling reception of contents data transmitted via
a network and copyright information set to the contents data; encoding
processing means for performing encoding processing of the contents data
regarding which reception has been controlled by the reception control means;
saving control means for controlling saving of the contents data subjected to
encoding processing by the encoding processing means; and calculating means
for calculating copyright usage fees for the contents data, based on the copyright
information.(see column 2 paragraph 0018 and paragraph 0019-0021).

Therefore it would have been obvious to one of ordinary skill in the art at
the time the invention was made to modify the teachings of Morgan to include a
fee calculation module calculating a fee charged for the service provided,
wherein said fee calculation module discounts the fee charged for the service
when obtaining the approval taught by Kanda in order to calculate a fee for
usage or service provided.

As per claim 7, Morgan discloses wherein the information on the service is
information on an execution case of executing an application program provided in
the service, information on a definition of a macro process consisting of a
combination of a plurality of functions provided in the application program, or
data generated by executing the application program. .(Note abstract and see
column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines
28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines
43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 8, Morgan discloses a service providing method of providing a service to a client device connected to a network, comprising: receiving a request from said client device; providing the service corresponding to the request; evaluating a quality of the service provided.(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

Morgan fail to explicitly teach calculating a fee charged for the service in a way that reflects a result of the evaluation in the calculation.

However Kanda discloses an information processing device comprises: reception control means for controlling reception of contents data transmitted via a network and copyright information set to the contents data; encoding processing means for performing encoding processing of the contents data regarding which reception has been controlled by the reception control means; saving control means for controlling saving of the contents data subjected to encoding processing by the encoding processing means; and calculating means for calculating copyright usage fees for the contents data, based on the copyright information.(see column 2 paragraph 0018 and paragraph 0019-0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Morgan to include calculating a fee charged for the service in a way that reflects a result of the evaluation in the calculation taught by Kanda in order to calculate a fee for usage or service provided.

As per claim 9, Morgan discloses a service providing method according to claim 8 , further comprising calculating a degree of attainment of the service provided in response to the request given from said client device, wherein the quality of the service is evaluated based on the degree of attainment in said evaluation. .(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and

column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 10, Morgan discloses a further comprising a step of receiving information on a degree of satisfaction of a customer which is evaluated by said client device with respect to the service provided, wherein the quality of the service is evaluated based on the degree of satisfaction of the customer in said evaluation step.(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 11, Morgan discloses further comprising:
recording a history of accesses to said server device from said client device;
counting a setting operation time when making a request for the service via said client device; and
calculating a degree of attainment of the service provided in response to the request given from said client device, wherein a degree of satisfaction of the customer with respect to the service is estimated from the history of the accesses, the setting operation time or the degree of attainment of the service in response to the request given from said client device, and a quality of service is evaluated base on the degree of satisfaction of the customer in said evaluation. (Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 12, Morgan discloses a service providing method of providing a service to a client device connected to a network, comprising: receiving a request from said client device; providing the service corresponding to the request;
evaluating a quality of the service provided.(see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-

22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines
59-67 and column 22 lines 1-13 and lines 42-57) making a request for an
approval for accumulating pieces of information on the service as usage
knowledge when completing the service for said client device;
accumulating the information on the service as the usage knowledge if obtaining
the approval from said client device; and providing said client device or other
client device with the information on the service.(Note abstract and see column 3
lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67
and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58
and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 13, Morgan discloses a service providing method according
to claim 12, wherein the fee charged for the service is discounted when obtaining
the approval in said fee calculation (Note abstract and see column 3 lines 1-23
and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column
10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column
21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 14, Morgan discloses wherein the usage knowledge is
information on an execution case of executing an application program provided in
the service, information on a definition of a macro process having a combination
of a plurality of functions provided in the application program, or data generated
by executing the application program. (Note abstract and see column 3 lines 1-23
and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column
10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column
21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 15, Morgan discloses a readable-by-computer recording
medium recorded with a program, for providing a service to a client device
connected to a network, executed by a computer, said program comprising:
receiving a request from said client device;
providing the service corresponding to the request(see column 3 lines 1-23 and
lines 36-56 and column 4 lines 26-60) evaluating a quality of the service

provided(see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

Morgan fail to explicitly teach calculating a fee charged for the service in a way that reflects a result of the evaluation in the calculation.

However Kanda discloses an information processing device comprises: reception control means for controlling reception of contents data transmitted via a network and copyright information set to the contents data; encoding processing means for performing encoding processing of the contents data regarding which reception has been controlled by the reception control means; saving control means for controlling saving of the contents data subjected to encoding processing by the encoding processing means; and calculating means for calculating copyright usage fees for the contents data, based on the copyright information.(see column 2 paragraph 0018 and paragraph 0019-0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Morgan to include calculating a fee charged for the service in a way that reflects a result of the evaluation in the calculation taught by Kanda in order to calculate a fee for usage or service provided.

As per claim 16, Morgan discloses further comprising calculating a degree of attainment of the service provided in response to the request given from said client device, wherein the quality of the service is evaluated based on 10 the degree of attainment in said evaluation.(see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 17 Morgan discloses further comprising receiving information on a degree of satisfaction of a customer which is evaluated by said client device with respect to the service provided wherein the quality of the service is

evaluated based on the degree of satisfaction of the customer in said evaluation.(see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 18, Morgan discloses further comprising: recording a history of accesses to said server device from said client device;

counting a setting operation time when making a request for the service via said client device(see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57) and wherein a degree of satisfaction of the customer with respect to the service is estimated from the history of the accesses, the setting operation time or the degree of attainment of the service in response to the request given from said client device, and a quality of service is evaluated base on the degree of satisfaction of the customer in said evaluation. (see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57)

Morgan fail to explicitly teach calculating a degree of attainment of the service provided in response to the request given from said client device.

However Kanda discloses an information processing device comprises: reception control means for controlling reception of contents data transmitted via a network and copyright information set to the contents data; encoding processing means for performing encoding processing of the contents data regarding which reception has been controlled by the reception control means; saving control means for controlling saving of the contents data subjected to encoding processing by the encoding processing means; and calculating means for calculating copyright usage fees for the contents data, based on the copyright information.(see column 2 paragraph 0018 and paragraph 0019-0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Morgan to include teach calculating a degree of attainment of the service provided in response to the request given from said client device taught by Kanda in order to calculate a fee for usage or service.

As per claim 19, Morgan discloses a readable-by-computer recording medium recorded with a program, for providing a service to a client device connected to a network, executed by a computer, said program comprising: receiving a request from said client device;

providing the service corresponding to the request; evaluating a quality of the service provided(Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57) making a request for an approval for accumulating pieces of information on the service as usage knowledge when completing the service for said client device accumulating the information on the service as the usage knowledge if obtaining the approval from said client device; and providing said client device or other client device with the information on the service. (Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

As per claim 20 Morgan fail to explicitly teach wherein the fee charged for the service is discounted when obtaining the approval in said fee calculation.

However Kanda discloses an information processing device comprises: reception control means for controlling reception of contents data transmitted via a network and copyright information set to the contents data; encoding processing means for performing encoding processing of the contents data regarding which reception has been controlled by the reception control means; saving control means for controlling saving of the contents data subjected to

encoding processing by the encoding processing means; and calculating means for calculating copyright usage fees for the contents data, based on the copyright information.(see column 2 paragraph 0018 and paragraph 0019-0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Morgan to include wherein the fee charged for the service is discounted when obtaining the approval in said fee calculation taught by Kanda in order to calculate a fee for usage or service.

As per claim 21, Morgan discloses wherein the usage knowledge is information on an execution case of executing an application program provided in the service, information on a definition of a macro process consisting of a combination of a plurality of functions provided in the application program, or data generated by executing the application program. (Note abstract and see column 3 lines 1-23 and lines 36-56 and column 4 lines 26-60 and column 9 lines 28-67 and column 10 lines 1-22 and column 11 lines 20-49 and column 13 lines 43-58 and column 21 lines 59-67 and column 22 lines 1-13 and lines 42-57).

Conclusion

5. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Liddy Eder (US Patent 6, 026, 388) teaches user interface and other enhancements for natural language information retrieval system and method.

Kohorn US PATENT: 5, 508, 731) teaches generation of enlarged participatory broadcast audience.

6.   Any inquiry concerning this communication or earlier communications from the   examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is

assigned are 703-305-0040 for regular communications and 703-305-0040 for
After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 26, 2006

FRANTZY POINVIL
PRIMARY EXAMINER

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